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TO: Commissioner for Patents

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ATTN: Art Unit: 1745

PHONE #:

FROM: Victor E. Johnson

FAX #: (415) 398-3249

PHONE #: (415) 781-1989

EMAIL: johnson.victor@dorseyllaw.com

RE:

U.S. Patent Application No. 10/726,389 for  
*Fuel Cell Cartridge for Portable Electronic Device*  
Our Docket No. A-70547-2/RFT/VEJ (Our Matter No. 468940-00071)

## COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

1. This Fax Cover Sheet;
2. Information Disclosure Statement;
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PATENT

Attorney Docket No. A-70547-2/RFT/VEJ  
Attorney Matter No. 468940-00071  
Application No. 10/726,389**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**Michael BIRSCHBACH**

Application No. 10/726,389

Filed: **December 1, 2003**For: **FUEL CELL CARTRIDGE FOR  
PORTABLE ELECTRONIC  
DEVICE**Art Unit: **1745**Examiner: **To be assigned**Docket No.: **A-70547-2/RFT/VEJ**

*Certificate of Transmission (37 C.F.R. § 1.8(a))*  
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9306 on April 15, 2004  
*Patricia A. Diehl*  
Patricia A. Diehl

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**INFORMATION DISCLOSURE STATEMENT**

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Copies of the cited references are enclosed, unless otherwise noted below. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2).

Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material to patentability. The filing of this Information

INFORMATION DISCLOSURE STATEMENT

- 1 -

(1136312)

PATENT

Attorney Docket No. A-70547-2/RFT/VEJ  
Attorney Matter No. 468940-00071  
Application No. 10/726,389

Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed within three months of the filing date of a national application other than a continued prosecution application, within three months of the date of entry of a national stage, before the mailing date of a first Office action on the merits, or before the mailing date of a first Office action after the filing date of request for continued examination. 37 C.F.R. § 1.97(b). No fee is required.

This Application relies on the earlier filing date of prior Application No. 10/309,954, filed December 3, 2002, under 35 U.S.C. § 120. It is understood that the Examiner will consider information that was submitted to or cited by the Office in such prior applications. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2). Copies of documents previously submitted to or cited by the Office in the prior application are not required to be provided in this application and thus are not attached. 37 C.F.R. § 1.98(d).

- ☒ A copy of each reference cited on the accompanying substitute for form PTO-1449A/PTO was submitted to or cited by the Office in the above-mentioned applications, thus a copy of such references is not required nor is attached.

A concise explanation of the relevance of the non-English language document(s) appears below:

- ☒ A concise explanation of the relevance of any non-English language documents is not required as the non-English language documents were cited or submitted in a prior application relied on under 35 U.S.C. § 120. M.P.E.P. § 609 (III)(A)(3). As a copy of each reference was cited or submitted in prior U.S. Patent Application No. 10/309,954, filed December 3, 2002, a concise explanation of the relevance thereof is not required and thus is not provided in this application.

PATENT

Attorney Docket No. A-70547-2/RFT/VEJ  
Attorney Matter No. 468940-00071  
Application No. 10/726,389

In accordance with M.P.E.P. §2001.06(b), the Examiner's attention is directed to co-pending U.S. Patent Application Nos.: 10/161,558 filed May 31, 2002; 10/309,954 filed December 3, 2002; and 10/727,090 filed December 2, 2003, which are directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 50-2319 (Matter No. 468940-00071; Docket No. A-70547-2/RFT/VEJ).

Respectfully submitted,

Date: 4/15/2004

By: 

Victor E. Johnson, Reg. No. 41,546  
/for/ Richard F. Trecartin, Reg. No. 31,801  
Filed Under 37 C.F.R. § 1.34(a)

DORSEY & WHITNEY LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989 Facsimile: (415) 398-3249





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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/726,389	
			Filing Date	December 1, 2003	
			First Named Inventor	Michael BIRSCHBACH	
			Group Art Unit	1745	
			Examiner Name	To be assigned	
Sheet	3	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant or Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A51	4,937,220	06/26/1990	NICKOLS, Jr.	
	A52	4,970,128	11/13/1990	ITOH <i>et al.</i>	
	A53	4,985,386	01/15/1991	TSURUMI <i>et al.</i>	
	A54	4,988,582	01/29/1991	DYER	
	A55	5,004,424	04/02/1991	LARMINIE	
	A56	5,019,463	05/28/1991	MATSUBARA <i>et al.</i>	
	A57	5,024,905	06/18/1991	ITOH <i>et al.</i>	
	A58	5,034,288	07/23/1991	BOSSEL	
	A59	5,035,962	07/30/1991	JENSEN	
	A60	5,061,581	10/29/1991	NARANG <i>et al.</i>	
	A61	5,068,161	11/26/1991	KECK <i>et al.</i>	
	A62	5,079,107	01/07/1992	JALAN	
	A63	5,084,144	01/28/1992	REDDY <i>et al.</i>	
	A64	5,094,928	03/10/1992	DYER	
	A65	5,102,750	04/07/1992	TAYLOR	
	A66	5,102,751	04/07/1992	NARANG <i>et al.</i>	
	A67	5,132,193	07/21/1992	REDDY <i>et al.</i>	
	A68	5,171,644	12/15/1992	TSOU <i>et al.</i>	
	A69	5,178,971	01/12/1993	ITOH <i>et al.</i>	
	A70	5,183,713	02/02/1993	KUNZ	
	A71	5,186,877	02/16/1993	WATANABE	
	A72	5,189,005	02/23/1993	WATANABE <i>et al.</i>	
	A73	5,208,207	05/04/1993	STONEHART <i>et al.</i>	
	A74	5,225,391	07/06/1993	STONEHART <i>et al.</i>	
	A75	5,234,772	08/10/1993	OGUCHI <i>et al.</i>	

Examiner Signature	Date Considered
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(1138311)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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				Application Number	10/726,389
				Filing Date	December 1, 2003
				First Named Inventor	Michael BIRSCHBACH
				Group Art Unit	1745
				Examiner Name	To be assigned
Sheet	4	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

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Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A76	5,234,777	08/10/1993	WILSON	
	A77	5,252,410	10/12/1993	WILKINSON <i>et al.</i>	
	A78	5,262,250	11/16/1993	WATANABE	
	A79	5,271,917	12/21/1993	HOFFMAN	
	A80	5,284,718	02/08/1994	CHOW <i>et al.</i>	
	A81	5,284,878	02/08/1994	STUDER <i>et al.</i>	
	A82	5,294,317	03/15/1994	SAITO <i>et al.</i>	
	A83	5,294,580	03/15/1994	DUFNER	
	A84	5,298,343	03/29/1994	SAVADOGO <i>et al.</i>	
	A85	5,312,876	05/17/1994	DANG <i>et al.</i>	
	A86	5,312,895	05/17/1994	DANG <i>et al.</i>	
	A87	5,314,760	05/24/1994	TSOU <i>et al.</i>	
	A88	5,314,762	05/24/1994	HAMADA <i>et al.</i>	
	A89	5,316,643	05/31/1994	AHN <i>et al.</i>	
	A90	5,330,860	07/19/1994	GROT <i>et al.</i>	
	A91	5,346,780	09/13/1994	SUZUKI	
	A92	5,367,051	11/22/1994	NARANG <i>et al.</i>	
	A93	5,378,508	01/03/1995	CASTRO	
	A94	5,384,208	01/24/1995	BRAND <i>et al.</i>	
	A95	5,403,675	04/04/1995	OGATA <i>et al.</i>	
	A96	5,432,023	07/11/1995	YAMADA <i>et al.</i>	
	A97	5,438,082	08/01/1995	HELMER-METZMANN <i>et al.</i>	
	A98	5,468,574	11/21/1995	EHRENBERG <i>et al.</i>	
	A99	5,472,799	12/05/1995	WATANABE	
	A100	5,480,735	01/02/1996	LANDSMAN <i>et al.</i>	

Examiner Signature	Date Considered
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			Filing Date	December 1, 2003	
			First Named Inventor	Michael BIRSCHBACH	
			Group Art Unit	1745	
			Examiner Name	To be assigned	
Sheet	5	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A101	5,488,087	01/30/1996	CABASSO <i>et al.</i>	
	A102	5,489,563	02/06/1996	BRAND <i>et al.</i>	
	A103	5,501,915	03/26/1996	HARDS <i>et al.</i>	
	A104	5,503,944	04/02/1996	MEYER <i>et al.</i>	
	A105	5,505,851	04/09/1996	WAGENER <i>et al.</i>	
	A106	5,523,177	06/04/1996	KOSEK <i>et al.</i>	
	A107	5,525,436	06/11/1996	SAVINELL <i>et al.</i>	
	A108	5,525,568	06/11/1996	YAMAGUCHI <i>et al.</i>	
	A109	5,540,981	07/30/1996	GALLAGHER <i>et al.</i>	
	A110	5,547,911	08/20/1996	GROT	
	A111	5,548,055	08/20/1996	NARANG <i>et al.</i>	
	A112	5,561,202	10/01/1996	HELMER-METZMANN <i>et al.</i>	
	A113	5,573,866	11/12/1996	VAN DINE <i>et al.</i>	
	A114	5,576,074	11/19/1996	WEIGEL <i>et al.</i>	
	A115	5,599,638	02/04/1997	SURAMPUDI <i>et al.</i>	
	A116	5,616,431	04/01/1997	KUSUNOKI <i>et al.</i>	
	A117	5,631,099	05/20/1997	HOCKADAY	
	A118	5,633,098	05/27/1997	NARANG <i>et al.</i>	
	A119	5,635,039	06/03/1997	CISAR <i>et al.</i>	
	A120	5,641,586	06/24/1997	WILSON	
	A121	5,643,690	07/01/1997	TATEISHI <i>et al.</i>	
	A122	5,670,266	09/23/1997	THOMAS <i>et al.</i>	
	A123	5,672,439	09/30/1997	WILKINSON <i>et al.</i>	
	A124	5,683,829	11/04/1997	SARANGAPANI	
	A125	5,700,595	12/23/1997	REISER	

Examiner Signature		Date Considered	
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	A126	5,702,836	12/30/1997	MA <i>et al.</i>	
	A127	5,702,838	12/30/1997	YASUMOTO <i>et al.</i>	
	A128	5,723,229	03/03/1998	SCHEIFERS <i>et al.</i>	
	A129	5,731,104	03/24/1998	VENTURA <i>et al.</i>	
	A130	5,741,408	04/21/1998	HELMER-METZMANN <i>et al.</i>	
	A131	5,759,712	06/02/1998	HOCKADAY	
	A132	5,773,162	06/30/1998	SURAMPUDI <i>et al.</i>	
	A133	5,773,480	01/30/1998	STONE <i>et al.</i>	
	A134	5,789,093	08/04/1998	MALHI	
	A135	5,795,496	08/18/1998	YEN <i>et al.</i>	
	A136	5,798,187	08/25/1998	WILSON <i>et al.</i>	
	A137	5,804,325	09/08/1998	YEPEZ	
	A138	5,834,523	11/10/1998	STECK <i>et al.</i>	
	A139	5,834,566	11/10/1998	HELMER-METZMANN <i>et al.</i>	
	A140	5,846,615	12/08/1998	SHARMA <i>et al.</i>	
	A141	5,856,036	01/05/1999	SMOTKIN	
	A142	5,858,568	01/12/1999	HSU <i>et al.</i>	
	A143	5,863,673	01/26/1999	CAMPBELL <i>et al.</i>	
	A144	5,874,182	02/23/1999	WILKINSON <i>et al.</i>	
	A145	5,876,867	03/02/1999	ITOH <i>et al.</i>	
	A146	5,885,338	03/23/1999	NIGAM <i>et al.</i>	
	A147	5,894,038	04/13/1999	SHARMA <i>et al.</i>	
	A148	5,904,740	05/18/1999	DAVIS	
	A149	5,906,716	05/25/1999	MERTESDORF <i>et al.</i>	
	A150	5,916,699	06/29/1999	THOMAS <i>et al.</i>	

Examiner Signature	Date Considered
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	A151	5,916,702	06/29/1999	MARUCCHI-SOOS <i>et al.</i>	
	A152	5,922,487	07/13/1999	WATANABE <i>et al.</i>	
	A153	5,928,806	07/27/1999	OLAH <i>et al.</i>	
	A154	5,945,231	08/31/1999	NARAYANAN <i>et al.</i>	
	A155	5,952,119	09/14/1999	WILSON	
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/726,389
				Filing Date	December 1, 2003
				First Named Inventor	Michael BIRSCHBACH
				Group Art Unit	1745
				Examiner Name	To be assigned
Sheet-	8	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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				Application Number	10/726,389
				Filing Date	December 1, 2003
				First Named Inventor	Michael BIRSCHBACH
				Group Art Unit	1745
				Examiner Name	To be assigned
				Attorney Docket Number	A-70547-2/RFT/VEJ
Sheet	9	of	10		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	†
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			Filing Date	December 1, 2003	
			First Named Inventor	Michael BIRSCHBACH	
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Sheet	10	of	10	Attorney Docket Number	A-70547-2/RFT/VEJ

OTHER NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	†
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	A227	RULKENS <i>et al.</i> , "Rigid-Rod Polyelectrolytes Based on Poly(p-Phenylene Sulfonic Acid)," Ber. Bunsenges. Phys. Chem., 100 (No. 6), pp. 707-714, 1996.	
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